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Remarks

The present response is to the Office Action mailed in the above-referenced case upon April 29, 2004. Claims 1-33 are presented below for examination. Claims 1-3, 12-17, 19-21, 23-24, 26-28 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Fawcett et al. (U.S. 5,678,002), hereinafter Fawcett. Claims 4-11, 18, 22, 25 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of Rakavy et al. (U.S. 5,913,040 A), hereinafter Rakavy.

Applicant has carefully studied the prior art references cited and applied by the Examiner, and the Examiner's rejections and statements of the instant Office Action. In response, Applicant believes the claims in their present form easily overcome the combined references provided by the Examiner, as will be further detailed in applicant's arguments below. However, only for the benefit of the Examiner's understanding of the recited claim language, and not necessarily in order to overcome the prior art, applicant herein judicially amends the independent claims to clarify the recited claim language as supported in enabling detail by the description in the specification.

Applicant amends the language of claim 1 to more clearly recite real-time monitoring of the client device and the client at the client device. Claim 19 is applicant's independent method claim in accordance with limitations of claim 1, and applicant accordingly amends the language of claim 19 similarly to claim 1.

In the Examiner's remarks of the instant Office Action, the Examiner has stated that, regarding claim 1, the reference of Fawcett anticipates all of

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the aspects of applicant invention, as embodied in the claims, including that information concerning the client machines is obtainable by the server (col. 2, lines 3-31). Applicant agrees that some information concerning the client device is obtainable by the system according to the teachings of Fawcett, however, what is not explicitly taught in Fawcett is that real-time status of not only the client device, but also the client operating the client device is obtainable.

Fawcett teaches a system and software for automatically and remotely diagnosing a customer's PC (server 40, Fig. 3), which is clearly an alternative invention for solving an alternative problem from that which solved by applicant's invention. The rather common practice of Examiners in rejecting claims because prior art teaches alternative inventions that might accomplish the same or similar purposes does not provide prima facie rejections, and should be discouraged. To create a *prima facie* rejection, the actual elements of the claimed invention must be shown in the art, and in this case, the prior art fails to meet this requirement, taken either singly or in combination.

The Examiner has further stated in his remarks that not only is information concerning the client machines obtainable by the server, such features are inherently present in network managing and network monitoring designs. Applicant agrees. The Examiner has stated further that the claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. Applicant respectfully disagrees with this statement.

The Examiner has also further stated that details concerning how the steps in Fawcett's design are performed are listed in the detailed descriptions

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portion of Fawcett's disclosure. However, upon careful and thorough review of the portions of Fawcett cited and applied by the Examiner in support of his statements, as well as all of the remainder of the disclosure of Fawcett, applicant can nowhere find any detail, explicitly taught or suggested, in said disclosure that describes such additional features of monitoring client, obtaining device status, and other monitoring details. Applicant respectfully requests that the Examiner provide the specific portions of the reference, and explain to applicant how the specific teachings in the portions read on applicant claimed limitations.

Referring the Examiner now to applicant's specification, specifically Fig. 4 and supporting disclosure in the specification, a client presence software (CPS SW 97), executable at the client station (9), is provided and enhanced in one embodiment, for the purpose of allowing an agent to subscribe to real-time customer availability information as it applies to the remote station occupied by the customer. This applies not only to whether or not the client (customer) device status is on or off, but also applies to preferences provided by the client, such as call back instructions, "user is away", "do not disturb", and so on.

Applicant argues that these are attributes of the client, not just the client device, and the customer presence software (CPS-SW 97) executing on the client device (9) monitors not only the "on/off" status of the client device, but also the status of the client operating the client device. In one aspect of applicant's invention, the monitoring agent user will not be a human agent but will be a special purpose server providing some very specific services, one example of which is a callback server that automatically initiates callback calls to the client (9) based on the user's callback preferences and routes the call to an agent after the customer

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answers. Another example of such a special purpose server is a server that monitors the communication center's status and, on request of the client (9), sends an alert to the customer when the communication center's status matches specific conditions, for example, when the average waiting time is smaller than a specified period of time.

In another embodiment of applicant's invention, the client may have multiple terminal devices such as a PC and a cellular phone, and a third-party server similar to those employed by well-known chat and instant messaging services, having software executing therein to organize instant communication between clients, and by monitoring the status of several clients simultaneously, and integrating these statuses, a complete client status can be presented to the subscribing agent. In one aspect, a status server (CCPS 94, Fig. 4) can combine the presence information of the client, and in another aspect, the client device presence software can combine the presence information of multiple clients. In this case, the client's PC (9) can combine the client's status for a fixed line and for a client's Internet access, and assess the client's ability to participate in a chat station or a net-meeting, and so on.

Further, referring the Examiner now to applicant's Fig. 5 and supporting disclosure in the specification, one client of a multiplicity of clients being monitored may move between his multiple PCs and areas wireless telephone with them, being very asleep connected and available through the multiple client devices. Real-time monitoring of all of these devices, either directly or through a third-party server, provides a viable information to a real or robotic agent associated with the communication center, together with client preference information, which may be achieved by any of several paths. The ability of agents, whether real or robotic, to

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respond to the client's needs is therefore greatly enhanced and more cost-effective.

Still further, in another aspect of applicant's invention, a single agent at the communication center may subscribe to a plurality of customer status messages simultaneously such that the agent may manage outbound calling any more optimal fashion.

In contrast, Fawcett teaches only the system for remote diagnostics for a customer's PC, and the ability to monitor the on/off status of the customer machine, as well as monitoring the aspects of the internal operations of the machine for diagnostics purposes. What Fawcett clearly does <u>not</u> teach is anything having to do with monitoring the status of the customer(s) operating the customer machine(s) including customer preferences, presence, multiple devices, portable or static, in addition to the status of the client device itself.

Applicant therefore believes that independent claims 1 and 19, which now specifically recite monitoring and presenting real-time client device <u>and</u> client status at each client device, are clearly and unarguably patentable over the primary reference of Fawcett, which renders the reference an invalid primary reference, and applicant respectfully argues that the reference of Fawcett should be withdrawn.

The Examiner has rejected applicant's claims 4-11, 18, 22, 25 and 29-30 as being unpatentable over Fawcett in view of Rakavy, relying on Rakavy mainly for teaching marketing products to the clients. All of the rejected claims are depending claims, and in view of applicant's above argument over Fawcett on behalf of claims 1 and 19, and judicial claim amendments made, depending claims 2-18 and 20-33.
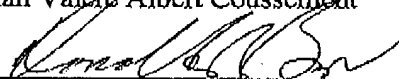
As all of the claims standing for examination have been shown to be

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patentable as amended over the art of record, applicant respectfully requests
reconsideration, and that the present case be passed quickly to issue. If
there are any time extensions needed beyond any extension specifically
requested with this amendment, such extension of time is hereby requested.
If there are any fees due beyond any fees paid with this amendment,
authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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by_____

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